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CURRENT DECISIONS

AGENCY—MASTER AND SERVANT—LIABILITY OF MASTER FOR INJURY TO INVITEE.—The driver of the defendant's truck invited the fifteen-year old plaintiff to ride. While the plaintiff was on the running board the truck struck a rut in the street, causing him to fall. The plaintiff sued for the injuries sustained. *Held*, that a nonsuit was proper. *Zampella v. Fitzhenry* (1922, N. J. L.) 117 Atl. 711.

The court follows the orthodox view that the rule of *respondeat superior* does not apply. *Goldberg v. Borden's Milk Co.* (1920) 227 N. Y. 465, 125 N. E. 807. There is, however, a modern tendency to look upon the plaintiff as a trespasser and then to inquire what duty is owed him as such. *Kalmich v. White* (1920) 95 Conn. 568, 111 Atl. 845; *Hibbee v. Jackson* (1920) 101 Ohio St. 75, 128 N. E. 61. See (1920) 30 YALE LAW JOURNAL, 85; (1921) 30 *ibid.* 758.

BILLS AND NOTES—RECEIPT OF MONEY FROM AN EMBEZZLER.—An officer of a corporation converted some of its money and in due course of business paid the same to the defendant bank for his personal debts. The defendant, ignorant of the conversion, acted in good faith. The corporation became bankrupt, and the receiver sued the bank. *Held*, (one judge dissenting) that the plaintiff could recover. *People's State Bank v. Kelley* (1922, Ind.) 136 N. E. 30.

The case is lamentably out of line with the authorities. *Merchants Loan & T. Co. v. Lamson* (1899) 90 Ill. App. 18; *First Nat'l Bank v. Gibert* (1909) 123 La. 846, 49 So. 593; 25 L. R. A. (N. S.) 631, note.

CITIZENS—PRESUMPTION OF LOSS OF CITIZENSHIP BY NATURALIZED ALIEN—REFUSAL OF PASSPORT BY STATE DEPARTMENT NOT CONCLUSIVE.—The Act of March 2, 1907 (34 Stat. at L. 1228) provides that any naturalized citizen who resides for two years in the foreign state from which he came shall be presumed to have ceased to be an American citizen, unless he presents to a diplomatic or consular officer satisfactory evidence to overcome the presumption. The plaintiff, a naturalized citizen of German birth, owning property in Nebraska, returned to Germany and remained there for over two years. At the outbreak of the war he was refused a passport because he failed to present satisfactory evidence to overcome the statutory presumption. Having succeeded in getting back to the United States on an illegal passport in 1921, the plaintiff sued to recover his property seized by the Alien Property Custodian. *Held*, that the action of the State Department in refusing to issue a passport was not conclusive on the court on the question of citizenship and that the plaintiff could recover. *Sinjen v. Miller* (1922, D. Neb.) 281 Fed. 889.

The mere act of returning to the United States does not rebut the statutory presumption of expatriation. *United States, ex rel. Anderson, v. Howe* (1916, S. D. N. Y.) 231 Fed. 546; but see (1910) 28 Op. Att'y. Gen. 504. But the absence of any affirmative renunciation of American citizenship and the continued holding of property in this country were held sufficient in the instant case to prove that the plaintiff did not intend to expatriate himself. For a discussion of this subject, see Flournoy, *Naturalization and Expatriation* (1922) 31 YALE LAW JOURNAL, 702, 848.

CRIMINAL LAW—DISTINCTION BETWEEN ROBBERY AND EXTORTION.—In accordance with a plan conceived by the defendant, X's hotel room was visited by one of the defendant's female confederates. By claiming to be the woman's husband and by threatening X with a revolver, the male confederate obtained from X